



**U.S. Department of Justice**  
Civil Division, Appellate Staff  
950 Pennsylvania Ave. NW, Rm. 7215  
Washington, DC 20530

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Tel: (202) 616-5372

January 22, 2020

Mr. Mark Langer, Clerk of the Court  
Office of the Clerk  
U.S. Court of Appeals for the D.C. Circuit  
333 Constitution Ave., NW  
Washington, DC 20001

Re: *National Women's Law Center v. OMB*, No. 19-5130 (argument scheduled  
for Jan. 24, 2020)

Dear Mr. Langer:

Pursuant to Rule 28(j), we write to inform the Court of the recent decision in *American Anti-Vivisection Society & Avian Welfare Coalition v. USDA*, No. 19-5015, 2020 WL 110829, at \*3 (D.C. Cir. Jan. 10, 2020), holding that the plaintiff organization had standing to challenge USDA's alleged failure to issue the same bird-welfare regulations implicated in *PETA v. USDA*, 797 F.3d 1087 (D.C. Cir. 2015). The Court noted that, although in *PETA* there was no legal entitlement to the information sought, in the more recent case the Coalition's "claim for standing is even stronger than was PETA's" because the Coalition "seeks standards that it alleges USDA is legally required to promulgate." *American Anti-Vivisection Soc'y*, 2020 WL 110829, at \*3 (quotation marks and citations omitted). Accordingly, the Court had no occasion to attempt to reconcile the decision in *PETA* with this Court's subsequent decision in *EPIC v. Presidential Advisory Commission on Election Integrity*, 878 F.3d 371, 379 (D.C. Cir. 2017). See Br. 18-23; Reply 5-7, 12.

Sincerely,

/s/ Lindsey Powell  
LINDSEY POWELL

cc: All counsel by ECF

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2020, I electronically filed the foregoing letter with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Lindsey Powell  
LINDSEY POWELL